

SEPA DETERMINATION REVISED MITIGATED DETERMINATION OF NON- SIGNIFICANCE (MDNS)

File Number: SEP20-00006
Applied: Aug 8, 2020
Issue Date: November 4, 2021
Applicant: Barghausen Consulting Engineers, Inc.
Lead Agency: City of Issaquah

Description of Proposal: To construct a 2,125-square-foot tunnel automated car wash and 540-square-foot Auto Sentry canopy on a 0.42-acre site. Infrastructure improvements will include water, sewer, and frontage improvements. The site currently contains contaminated soil and groundwater from an abandoned fuel facility that exceed the MTCA A cleanup levels. Phase 1 of a two-phase remediation process is complete. Phase 1 consisted of excavation and off-site disposal of petroleum contaminated soils above the water table. Phase 2 includes use of *in situ* treatment, air sparging/soil vapor extraction (“AS/SVE”) system, to remediate residual petroleum hydrocarbon impacts to soil and groundwater. The AS/SVE system will be installed in conjunction with the construction of the carwash.

Location of Proposal: 55 NW Gilman Blvd, Issaquah, Washington 98027

Determination: The City of Issaquah’s SEPA Responsible Official has determined that this proposal will not have a probable significant adverse impact on the environment. An environmental impact statement (“EIS”) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed Environmental Checklist revised February 5, 2021, and the supplemental information provided with the project application on file with the lead agency. This information is available to the public upon request. The project planner is Valerie Porter, who may be contacted at (425) 837-3094 for further information.

Mitigation Measures: The following SEPA mitigation measures shall be deemed conditions of the approval:

1. This determination is conditioned on approval from the Pollution Liability Insurance Agency (“PLIA”) and/or Washington Department of Ecology (“Ecology”). Prior to approval of the site work permit, the applicant must provide the City with documentation from PLIA and/or Ecology agreeing the proposed cleanup method utilizing AS/SVE is acceptable. Within 5-years of the installation of the AS/SVE equipment, the applicant shall provide analytical results demonstrating the site and the City’s right-of-way meet the appropriate cleanup levels for soil and groundwater under the Washington State Model Toxic Control Act (“MTCA”) at the points of compliance and in the City’s right-of-way. If the appropriate cleanup levels are not met within 5 years, the applicant shall continue to operate the AS/SVE system until such time as the cleanup levels are met.
2. The applicant must execute an environmental indemnification agreement with the City, as a property owner, under which the applicant will indemnify the City against any claims or losses arising from

contamination in the City’s right-of-way. This agreement must be put in place prior to approve of the site development permit.

3. A performance bond is required for the project. The applicant is required to provide the City a performance bond or other security instrument equal to 150% of the total cost of the mitigation project to complete, which guarantees that all required mitigation measures will be installed, and work completed. This guarantee shall be provided prior to issuance of a construction permit.
4. Following installation of the AS/SVE equipment and City acceptance the equipment is operational, a 5-year monitoring/maintenance period is required. The applicant must keep the City apprised of and provide regular reporting on efforts being made to comply with the PLIA and/or Ecology. In addition, the applicant is required to provide the City a bond or other security instrument equal to 150% of the estimated maintenance and monitoring cost in an amount determined sufficient to guarantee satisfactory labor, materials, and performance of structures and improvements. The monitoring/maintenance bond must be submitted for review and accepted by the City prior to building occupancy.
5. The project site is located within the City’s Class 1 Critical Aquifer Recharge Area (“CARA”) and Sammamish Plateau Wellhead Protection Zone. To help prevent groundwater pollution, aquifer protection is regulated under the City’s CARA Ordinance, IMC Chapter 13.29: Groundwater Quality Protection Standards. To ensure hazardous chemicals (e.g., soaps, waxes, etc.) do not infiltrate or run off the site, secondary containment of chemicals is required during construction. After construction has completed, chemicals shall be stored in a permanent chemical storage area be constructed in the new building and sized appropriately based on the volume of chemicals anticipated during operations.
6. The proposed AS/SVE system will generate significant sound levels. Mitigation measures are being proposed, which will decrease the dBA, but additional information must be provided to the City to ensure compliance with the City’s Noise ordinance, IMC 18.07.136: Noise control. Prior to issuance of building occupancy, the AS/SVE system or any other proposed remediation equipment must demonstrate compliance with the City’s Noise ordinance.
7. All vehicle queuing must remain on-site. Additional traffic operational analysis must be provided to the City for review that demonstrates vehicle queuing will not impact adjacent rights-of-way.
8. Pursuant to the City’s “Traffic Impact Fee and Bicycle and Pedestrian Mitigation Fee Update” (FCS Group, July 8, 2019) and “Fire Impact Fee & General Government Buildings and Law Enforcement Mitigation Fees Update” (FCS Group, July 8, 2019), both of which are adopted as SEPA policies under IMC 18.10.260, the applicant shall mitigate its direct impacts on general government, law enforcement, and bicycle and pedestrian facilities by voluntarily paying the mitigation fees established in the City’s fee studies in effect on the date of building permit issuance.
 - a. Alternate Fees: If applicant does not voluntarily agree to pay the mitigation fees established by the City’s fee studies, the applicant may choose other methods to quantify and mitigate its direct impacts to bicycle and pedestrian, general government, and law enforcement services, which methods must include conducting a study of this project’s impacts. Any alternative mitigation proposed by applicant must be accepted by the City in a voluntary mitigation agreement executed by applicant and the SEPA Responsible Official before the date of building permit issuance.
 - b. Assessment of Fees: The City will assess mitigation fees prior to building permit issuance. The actual cost of the mitigation fee will be the fee established in the fee studies in effect at the time of building permit issuance, or an alternate fee if applicant and the City have executed a voluntary payment agreement by the time the fees are assessed. If applicant does not pay the mitigation fees, the City will not issue applicant’s building permit. *See IMC 3.74.060(B)(3).*

- c. Fee Expenditures: Applicant's mitigation fee will be held in a dedicated account and will only be spent on new governmental buildings (for general government mitigation fees), law enforcement equipment and facilities (for police mitigation fees), or bicycle and pedestrian facilities (for bicycle and pedestrian fees). Applicant may offer input on how the payment should be spent by submitting SEPA comments during the SEPA comment period for this MDNS.
- d. Objections: Applicant objections to the voluntary mitigation fees imposed through this MDNS shall be made through SEPA comment or, at Applicant's option, through an appeal of this SEPA determination. If this MDNS is not appealed, this fee condition will be final and binding on Applicant.

Minnie Dhaliwal

Minnie Dhaliwal, SEPA Responsible Official
City of Issaquah
P.O. Box 1307
Issaquah, WA 98027
(425) 837-3430

11/04/21

Date

Appeal Period: This MDNS is issued under 197-11-350 and 197-11-680. There is a 21-day combined comment and appeal period for this determination, between November 4, 2021, to November 25, 2021. Anyone wishing to comment may submit written comments to the Responsible Official. The Responsible Official will consider the determination based on timely comments.

Any person aggrieved by this determination may appeal by filing a Notice of Appeal no later than 5 p.m. on November 25, 2021 and pay a \$1,500 filing fee. Appeals may be filed electronically by emailing the same to CPDSupportServices@issaquahwa.gov. A hard copy of the Notice of Appeal and a check for the filing fee must be deposited in the mail addressed to City of Issaquah Permit Center, Attention Candy Baer, P.O. Box 1307, Issaquah, WA 98027 and post-marked no later than November 25, 2021 in order for the appeal to be valid. Appellants should prepare specific factual objections. Appeals of this SEPA determination must be consolidated with appeal of the underlying permit, per IMC 18.04.250.

Copies of the environmental determination and other project application materials are available from the City of Issaquah Community Planning and Development Department, 130 E Sunset Way, Issaquah, WA.

Cc: Washington State Department of Ecology
Snoqualmie Indian Tribe
Washington State Department of Fish and Wildlife
Washington State Department of Archeology and Historic Preservation (DAHP)
Muckleshoot Indian Tribe
U.S. Army Corps of Engineers
Sammamish Plateau Water & Sewer District
King County Dept of Local Services - Road Services Division
Parties of Record